

Generally the Construction and Maintenance Agreements of grade separations between the North Dakota Department of Transportation (NDDOT) and the Railroad and the City, in some cases, involves various divisions within NDDOT, the responsibilities regarding these agreements will be as follows:

1. Communication with the Railroad as to the location of the bridge, the vertical and horizontal clearances, locations of piers and abutments will be the responsibility of the Bridge Division with concurrence of the Design Division.
2. After the clearances and span arrangements have been approved by the Railroad, Bridge Division will notify Design Division. The respective Design Section will supply the right of way limits to the Right-of-Way Section.
3. The Bridge Division will prepare the Construction and Maintenance Agreement and submit to the Railroad along with Exhibit C (Nondiscrimination Provisions).
4. The Right-of-Way Section in Design will negotiate with the Railroad for necessary right of way (Exhibit A).
5. The Railroad will execute the agreement and return it to the Bridge Division along with Exhibit A, Exhibit B (cost estimate for work to be done by the Railroad), Exhibit C and Exhibit D (flagging requirements and costs).
6. Bridge Division will have the agreement approved by Legal, signed by the parties involved, approved by the FHWA and distributed as follows:
 - a. Original to the Construction Division.
 - b. Copies to the District involved, FHWA, Design Division, Finance Division, and Bridge Division File.
 - c. A letter authorizing the Railroad to proceed with construction will be sent to the Railroad after the project is authorized by FHWA.
 - d. A copy of Exhibit B will be sent to Program and Project Development.
7. Progressive billings will be sent from the Railroad to the Bridge Division.
8. The Bridge Division will submit the bill to the appropriate district for review and concurrence. Upon District approval, Bridge will prepare the progressive estimate.
9. The Right-of-Way Section will be responsible for the payment of right of way.
10. Once the project is completed, the District will make a final inspection with the railroad and advise Construction and the local road authority.

11. Construction will process formal acceptance with the Railroad. Copies sent to FHWA, Bridge, Design, Finance, District, and the local road authority.
12. Upon receipt of the final bill and acceptance from Construction, the Bridge Division will prepare the final progress payment less one percent retainage and request an audit of the Railroad.
13. Upon receipt of the final audit report, Bridge Division will process the final estimate of payment.